

University at Buffalo School of Law

Digital Commons @ University at Buffalo School of Law

The Opinion Newspaper (all issues)

The Opinion

10-5-1993

The Opinion Volume 34 Number 3 – October 5, 1993

The Opinion

Follow this and additional works at: https://digitalcommons.law.buffalo.edu/the_opinion



Part of the [Higher Education Commons](#), and the [Legal History Commons](#)

Recommended Citation

The Opinion, "The Opinion Volume 34 Number 3 – October 5, 1993" (1993). *The Opinion Newspaper (all issues)*. 297.

https://digitalcommons.law.buffalo.edu/the_opinion/297

This Newspaper is brought to you for free and open access by the The Opinion at Digital Commons @ University at Buffalo School of Law. It has been accepted for inclusion in The Opinion Newspaper (all issues) by an authorized administrator of Digital Commons @ University at Buffalo School of Law. For more information, please contact lawscholar@buffalo.edu.

THE OPINION



Volume 34, No. 3

STATE UNIVERSITY OF NEW YORK AT BUFFALO SCHOOL OF LAW

October 5, 1993

Out Flanked!

Photo by Dan Harris



Members of the Lesbian/Gay/Bisexual Law Students kept the Navy JAG Corp recruiters at bay yesterday, forcing the cancellation of interviews that fellow students had with the Navy reps. The ban on gays in the military was the reason for the protest. See Page 3.

The Results Are In ...

Law Students Elect Their Class Directors

by Jeffrey A. Schoenborn

The UB Law community is surely breathing easier now that the votes have been counted. Students can say "The University at Buffalo School of Law" with confidence that it's being said right. The "Parliamentarian/Office Manager" can finally get down to the business that the title describes. Most importantly, the new Class Directors of the Student Bar Association can start working towards their campaign goals, some of which were voiced during an open forum the day before elections. Third Year Class Director Chuck Greenberg told about 25 spectators that he wants the SBA to push for change in the school's grading system. "I really think it's time the administration returned to weighted grades and giving grade points so UB Law can be more competitive," Greenberg said. James Lynch was the only other Third Year Director to speak at the forum, and he emphasized boosting the law school's image to make getting a job easier.

The sole Second Year Director to speak agreed with Lynch.

"The better the reputation and ranking

...Results, continued on page 8

1993-94 3L CLASS DIRECTORS

James Lynch (46)
Chuck Greenberg (25)
*Kevin Collins (10)
*Joe Antonechia (8)
*Dan Harris (5)
*Helen Pundurs (3)

1993-94 2L CLASS DIRECTORS

Christin Horsley (69)
Marjory Avant (66)
Nicole Holder (64)
Darryl Salas (64)
David Nemeroff (56)
Victor Bobet (56)

1993-94 1L CLASS DIRECTORS

Ben Dwyer (113)
Sue Etu (97)
Sada Manickam (92)
Reda Austin (80)
Elizabeth Jewett (73)
Craig Brown (63)

* signifies a write-in candidate
() signifies number of votes received

Cheney Condemns Americans' Shortsightedness

by Sharon Nosenchuck, News Editor

Defense and foreign policy must be a priority in the years ahead, said Dick Cheney, former Secretary of Defense under the Bush Administration.

Cheney kicked off this year's Distinguished Speakers Series, addressing an audience in Alumni Arena last Tuesday.

Cheney, appointed Secretary of Defense in 1989, spent most of his time discussing two issues--how much military is enough as a result of the end of the Cold War and when is it appropriate to use the military and put Americans into combat.

With the end of the Cold War, there was a "turning inward" across the United States, said Cheney. Several manifestations of this turning inward that Cheney cited included the fact that the 1992 Presidential Campaign concentrated more on domestic than foreign policy

and defense issues and a growing resistance to things like NAFTA. He noted that the American public has increasingly been focusing on domestic concerns rather than the world around us.

Cheney, who held his post in the Cabinet during the Persian Gulf War, listed several misperceptions that he feels contributes to this focus away from international issues. He suggested that it is wrong to think that the outcome of the Cold War was pre-ordained. He explained that many think that in the end, Communism was doomed to collapse of its own accord and did not need U.S. effort. Cheney denied this, saying that U.S. leadership was needed to end the Cold War. Discussing the problems of the former U.S.S.R., Cheney noted that the former Soviet republics will have to sort out their problems over the next 10 to 30 years, all the while having a stockpile of



Former Secretary of Defense Dick Cheney addressed UB students last Tuesday.

dangerous nuclear weapons. He warned that the U.S. must be concerned and involved in these developments in the new republics and that the U.S. must support these fledgling democracies and their free market economies. Cheney told the audience that "we have no choice but to be involved."

A second misperception that Cheney cites is that the United States can let somebody else take responsibility. Some say that the nations who benefitted economically from the peace that the U.S. has provided should now carry the burden, stated Cheney. However, he pointed out that no other nation is trusted like the U.S. and that nobody else has the moral

authority that the U.S. has. Photo by Ben Pierson

Moving on to the second topic of his talk, Cheney discussed the question of how much military does the United States need. He argued that the nation needs enough military to deny an adversary control of the globe. This "requires the U.S. to maintain a certain modicum of military capability," states Cheney. "We have already made the adjustment for the end of the Cold War."

President Clinton wants to take these cuts and make them faster and deeper, criticized Cheney. He finds a problem in the way the Clinton Administration is imposing these

...Cheney, continued on page 9

Student Groups Take Part In International Rally Jesse Jackson Leads Anti-NAFTA Protest

by Joe Antonechia and Kevin P. Collins, Managing Editor

Members of the Labor and Employment Law Association, the Law Students for Corporate Accountability, and the National Lawyers Guild took part in organizing and marching in a "Not This NAFTA" rally this past Saturday, October 2nd, in Buffalo and Niagara Falls, Canada.

The rally was attended by over one thousand American, Canadian and Mexican citizens. The day's events began with a Rainbow Breakfast at the Buffalo Convention Center in downtown Buffalo, where the Rev. Jesse Jackson (founder and President of the National Rainbow Coalition) spoke out against the damage



Rev. Jesse Jackson

ing social consequences of the North American Free Trade Agreement (NAFTA) for the people of all three countries.

The breakfast was followed by a press conference and car caravan around the Trico plant on Main Street in Buffalo. Here, Jackson again strongly spoke out against NAFTA, being joined

by national and local leaders who support labor rights, a clean environment and social justice across all three borders. National leaders included Jan Pierce, Vice President of District 1 of the Communications Workers of America, Jose Lalus, Education Director of the Amalgamated Clothing and Textile

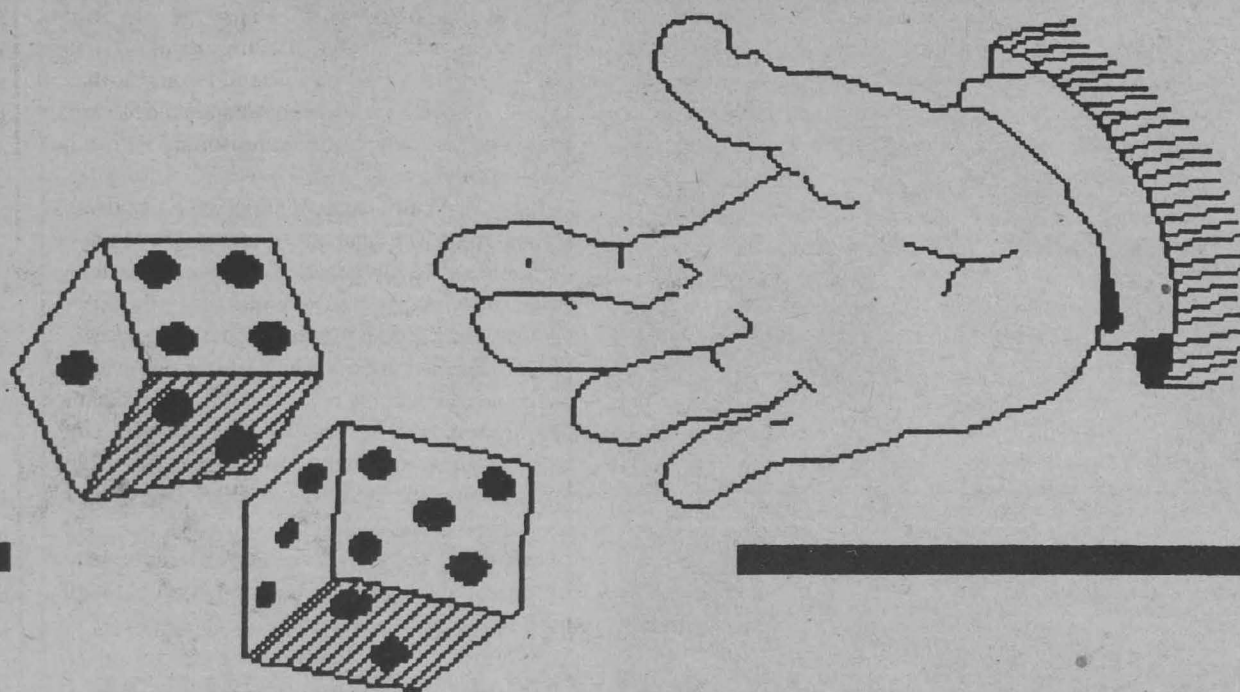
...NAFTA, continued on page 10

HIGHLIGHTS

Students Protest Navy Recruitment.....	3
Editorials and Commentaries.....	4-5
A Look at New Faculty Member, Prof. Dubber.....	7
1Ls scramble for seats.....	9
Docket.....	11

PIEPER BAR REVIEW WANTS YOU TO...

***Be a
Winner!***



ALL 1ST, 2ND OR 3RD YEARS:

Pieper NY-Multistate Bar Review is looking for a few good persons to be representatives at your law school. If you're at all interested, give us a call.

CALL 1-800-635-6569

Work on earning a free Bar Review course.

COME JOIN THE PIEPER TEAM!!!

UB Activists Scare Off Navy

Navy JAG Corps Cancels On-Campus Interviews at UB Law School

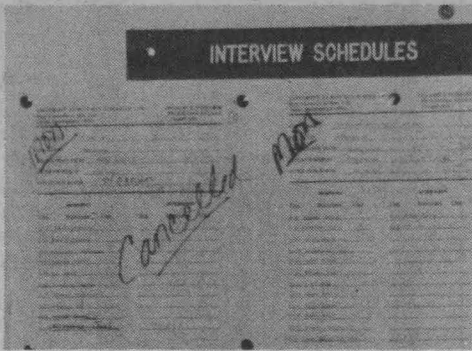
by Kevin P. Collins, Managing Editor

Three days and 24 students worth of interviews were canceled early this past Monday morning, Oct. 4, by the United States Navy Judge Advocate General (the JAG Corps) in response to the proposed rally by a law student group, the Lesbian, Gay, Bisexual Law Students (LGBLS) in response to the military's policy on homosexuals.

The LGBLS had planned to use a closet (see photo on p. 1), which the students themselves built, outside the interview room. Each job applicant/interviewee would have to walk through the closet in order to enter the interview room (interviews were scheduled to be held Monday Oct. 4 to Wednesday Oct. 6 with a Mr. Mike Nowak from 9 a.m.-5 p.m. in Room #411 of O'Brien Hall). This was to symbolize how, under both the current military policy on gays and the proposed President Clinton compromise, a homosexual is forced to "go into the closet" and hide his or her sexual preference. The Navy called the law school early Monday morning to find out what, if any, protests were planned. Upon learning of the closet, the Navy decided to stay away.

THE NAVY'S POSITION

The decision to not come to the scheduled on campus interview was made by the Commanding Officer of the Navy Recruiting District of Buffalo, Commander Middaugh. The decision was made, according to Middaugh, in order not to subject his interview-



CDC lists cancellation of JAGC interviews and the law student interviewees to the harassment of having to walk through a closet to enter the interview room. A Berkeley graduate himself, Middaugh stated that he did not mind protests and respected the opinion of the law student group. However, he believed that having to go through a closet in order to interview for the Navy was going too far. While respecting the right to protest, Commander Middaugh did not want his officers and the law student interviewees to be subject to what he described as unsafe conditions.

Middaugh said that he found it unfortunate that the people hurt in this situation are not the ones that make the policy on gays in the military. The interviewers and the students got caught in the middle of something they have no control over, Middaugh reiterated. He stated that he himself does not set Navy policy and thus he is not in a position to change any policy. Policy is made in Washington, the Commander pointed out, and not in interview rooms.

Commander Middaugh did go on to state,

though, that all students scheduled to be interviewed on campus will be offered interviews off campus at the Navy Recruiting Center in downtown Buffalo, located at 111 West Huron Street, Buffalo, New York 14202. Yet, the process by which this was to be accomplished was not clear. Commander Middaugh may be reached at telephone number (716) 846-4989.

THE LGBLS POSITION

In a press statement released after the Navy's cancellation of the interviews, the LGBLS recognized that the Navy had decided not to conduct interviews at the law school because of the scheduled protest. The group went on to state that the Navy recognized the right of students to protest and would not have had qualms about facing banners and placards, but that they were uncomfortable with the closet.

The position of the LGBLS has always been that military recruitment should not be allowed on campus because, according to the group, it violates Governor Cuomo's Executive Order #28, which prohibits state agencies from discriminating based on sexual orientation (i.e. UB is a State law school). This, the group states, is consistent with the State University of New York (SUNY) Board of Trustees' Resolution 83-216 and the policy of the American Association of Law Schools.

The LGBLS pointed out that law students who wish to join the Navy can still ... JAG Corps, continued on page 10

Speaker says Media unfair to Muslims

by Karen A.M. Bailey

Sunni Khalid, foreign affairs reporter for National Public Radio (NPR), addressed University at Buffalo students on the subject: Islam and American Media: A Critical Analysis on Friday, Sept. 24.

The lecture, which took place in Norton Hall's Woldman Theater, was presented by the Muslim Student Association (MSA). According to Mustapha Lockman, Treasurer of MSA, Khalid, a Muslim, was chosen "because of his experience in the media and his ability to give specific examples of the treatment of Muslims in America."

Khalid expressed "a lot of pride in being a Muslim and a reporter." He pointed out that despite what he perceives as the American media's negative portrayal of Muslims, he has no personal conflict in being a part of the industry. He emphasized that his professional duty "is not to espouse but to provide accurate truthful news stories."

According to Khalid, his professional colleagues sometimes lose the element of accuracy when covering stories on Muslim nations or individuals.

After commending NPR for "being the best in the business at what it does," Khalid also pointed out that "NPR, a liberal organization that prides itself on being on the cutting edge, also falls short on fair representation of Muslims."

During the lecture he provided several examples to support his points. He spoke of one editor who insisted on distinguishing between American followers of Islam as Muslims and "those over there" [in the Middle East] as Moslems, despite Khalid's efforts to inform her that all members of the religion are considered "Muslims."

Khalid joked about the resistance of those in the field to pronounce his name correctly, double check difficult Arabic names before printing them, or present stories on the radio. He offered some sobering experiences of not having resumes answered because of his name and the perceptions that are often placed with it.

According to Khalid, recently a colleague at the New York Times, upon being introduced to him, responded with the ques-



Sunni Khalid, NPR reporter, spoke Friday

tion, "aren't Muslims dangerous?" At this point in his lecture, Khalid sarcastically invited his predominantly Muslim audience to take out the weapons that they should all be carrying, as per portrayals of Muslims in the media. Khalid then informed them that, contrary to popular belief, the group that has performed the greatest number of terrorist acts against the U.S. is not a Muslim affiliate, but the Puerto Rican Nationalists. He then added that "you wouldn't know that from the media."

He also noted the media's choice of the term "fundamentalist leader" as opposed to that of "religious leader" when referring to Muslim leaders. Khalid compared coverage of the Waco Texas stand-off to the coverage of the World Trade Center bombing and noted that it was an example of the media's treatment of Christians vs its treatment of Muslims. He argued that it was understood that David Koresh was an extremist but Muslim extremists were portrayed as being within the religion's norms.

According to Khalid, problems with the finished news product can be traced to deficiencies in the newsgathering process. He explained that this is an important factor because editors of American newspapers, the people who decide what stories will be covered

and who should cover them, are not a diverse group. Mr. Khalid said that although diversity is verbally promoted in the media, "editors don't see people [like myself] at their meetings and are indifferent, at best, to what happens in the Third World."

He described, for example, several unsuccessful attempts to encourage his editors to cover the events in Somalia months before it became a national issue. Ironically, they only began to look at the story after the New York Times began to cover it. According to Khalid, when NPR did begin coverage of Somalia, he had to "beg" and "fight" to be allowed to cover it.

In his view, when groups, like Muslims, are absent from the crucial decision-making phases of news production, there is little opportunity to ensure fair representation. According to Khalid, the result of this process is stereotypical representation and inaccurate stories.

As an example of what he perceived to be a biased and insensitive approach, Khalid cited a reporter whose first question to a Somali was "Aren't you happy that the American troops are here?" He continued by pointing out that "you have to care enough about people to let them tell their stories." According to Khalid, "a lot of reporters don't look at the Somalis, or other Muslim and African groups as people." He added, "when I look at the Somalis, I see family."

When asked whether he thought that any news organization did a good job of reporting, he cited the BBC because "they have correspondents who come from the countries that they cover or who at least speak the language." In addition, he cited CNN as doing a good job with its "International Hour," and added that the Washington Post and New York Times were commendable print media.

In summary, Khalid pointed out that "America must accommodate the rest of the global community with a higher degree of respect, especially given the changing demographics (noting that population growth is occurring in Third World countries at a faster rate than it is in the West)." He also emphasized that the public actively demand fair representation and coverage in the media.

Moot Courts Clash on Nat'l Comp. Requirements

by Karen A.M. Bailey

As this year's aspiring winners prepare for the annual Desmond Moot Court Competition, there's a bit more in the air than the usual heat. At issue is a requirement that limits participation in national moot court competitions to those on the Buffalo Moot Court Board.

The controversy first took on a public nature when Doug Sylvester, Jay Fleischman and Simon Conte wrote a "letter to the editor," in the last issue of the Opinion, opposing the requirement. The signees described themselves as "deeply disturbed" by the requirement that the "enriching experience of moot court competition [will] be restricted only to Desmond Moot Court Members." According to the letter, "we all pay SBA fees, why should the benefit of these fees accrue only to certain club members?"

However, Joel Sunshine, director of the Buffalo Law Moot Court Board, sees the issue differently. "Being on the Moot Court Board carries a tremendous time commitment. On the average, a member spends one hundred hours participating in the Desmond Moot Court Competition, forty to fifty hours on the Mugel Tax Moot Court Competition and ten hours more [the year after selection] running the Desmond Moot Court." He emphasizes that "no one gets paid and no one gets school credit. The one real privilege (other than having it on your resume) is to be able to represent your school in a national competition."

In Sylvester's opinion, the time commitment is noteworthy but the privilege of putting "moot court" on a resume is, by itself, a large reward. "Putting that on their resume is a huge benefit and employers look for it. That's the reason ninety-nine percent of people do it; to get it on their resumes." In response to the question of whether the sharpening of advocacy skills could be considered motivation, he points out that "they [the competitors] enjoy the experience most of the time," but skills like brief writing and public speaking are "things that they either learn in class or later [upon employment]." Sylvester however, seems to consider the resume, "the one real privilege" and the national moot court competition, a right.

In Sunshine's view, if anyone has the right, it's a moot court member. "The administration only allows us to send six students or three teams (at a maximum) each year. Why should we allow others to represent Buffalo after the proven ability and time commitment of the moot court members?" He adds, "especially if we're trying to send the best teams."

For some, a quick response to this question comes from the example of last year's competitors in the National Environmental Law Moot Court Competition. Dan Spitzer, now a graduate, and Elizabeth Beiring, who is in her fourth year in a joint degree program entered and won the nation's largest moot court competition. While neither contestant was a member of the Buffalo Law Moot Court Board, Ms. Beiring had memberships on no other moot court board.

According to the letter, "the competition was covered by the national press and the victory by the two participants did more to enhance UB's reputation than anything the Desmond Board has done in recent memory." The concern of Sylvester and his colleagues is that opportunities like this

... Moot Court, continued on page 6



Editor-in-Chief: Paul H. Roalsvig
 Managing Editor: Kevin P. Collins
 Business Manager: Lisa Nasiak
 News Editor: Sharon Nosenchuck
 Features Editor: Maria T. Buchanan
 Layout Editor: Evan Baranoff
 Photography Editor: Dan Harris
 Art Director: Kathy Korbuly

Staff Writers: Saultan H. Baptiste, Joe Khanna, Tracy D. Sammarco

Contributors: Jeffrey A. Schoenborn, Eric Dawson, Peter Zummo, Bridget Cawley, Ben Pierson, Shawn Carey, Karen A.M. Bailey, Paul Keaton, and Cal Rypken

Special Thanks to our respective Moms and Joe Antonecchia

EDITORIAL

UB Law School: Time to Move It

In case you haven't heard by now, there appears to be some serious discussion going on about moving the Law School. In his letter to fellow UB Law Alumni, President Mark G. Farrell noted that the Association is "looking into the possibility of constructing a new building complex to house the Law School towards the end of this decade".

We welcome this idea. The design of O'Brian Hall and its placement relative to the other buildings on this campus has resulted in noise, wear, and tear on the first and second floors. Furthermore, when O'Brian was built, nobody anticipated the need for such things as computer labs. Our law student lounges, where traditionally we had the opportunity to relax and discuss ideas with other students, were sacrificed in order to bring the Law School into the computer age.

The Law School building is only a part of the larger SUNY campus. Total control of O'Brian Hall's facilities does not rest with the Law School, and as other departments on campus have needed more classroom space, SUNY Buffalo has steadily turned to the facilities of O'Brian Hall to accommodate them. This shortage of space has led to law student groups being shunted into office spaces in increasingly remote corners of O'Brian Hall.

With a large volume of traffic on the second floor walkway, the wide area in front of the Law Library has gradually become what Dean Boyer terms "a University-wide flea market." We are of course all too familiar with complaint that the Law Library facilities are being constantly used by non-law students. The time has come to seriously begin to plan for our Law School's future, and to begin thinking of moving the Law School to a better facility.

We feel the University at Buffalo's School of Law should be moved to downtown Buffalo. There are many reasons why we feel a move such as this would be beneficial to the Law School. It should be moved to downtown Buffalo in order to better integrate the School of Law with the changing needs of the legal community of western New York. The facilities of UB's Law School should be a more valuable resource to the inhabitants of western New York, and the Law School should be located where it can do the most good. This means being in closer proximity to federal, state, county, and city governmental offices, the court system, law enforcement offices, holding centers, other law libraries, volunteer legal agencies, and of course private law offices. The vast majority of these agencies and offices are in downtown Buffalo, a trek from the SUNY campus in Amherst.

Law students should have easy access to observing first-hand the real workings of the law, and we feel this can only be best accomplished by letting the Law School community become an integral component of the Buffalo and western New York legal community. Nothing beats hands-on experience, and it is our opinion that a downtown law school would provide increased opportunities for UB Law students to gain this type of experience. It is generally agreed that the segment of the local population that needs legal help the most are those less-than affluent members of society, a large number of which inhabit our cities.

We feel the benefits of moving the Law School would accrue to all parties concerned: the Law School, the city of Buffalo, Erie County, the students of UB Law, and the western New York community.

Copyright 1993. The Opinion, SBA. Any reproduction of materials herein is strictly prohibited without the express consent of the Editors. The Opinion is published every two weeks during the Fall and Spring semesters. It is the student newspaper of the State University of New York at Buffalo School of Law. The views expressed in this paper are not necessarily those of the Editors or Staff of The Opinion. The Opinion is a non-profit organization, third class postage entered at Buffalo, NY. Editorial policy of The Opinion is determined by the Editors. The Opinion is funded by the SBA from Student Law Fees.

The Opinion welcomes letters to the editor but reserves the right to edit for length and libelous content. Letters longer than three typed double spaced pages will be edited for length. Please do not put anything you wish printed under our office door. Submissions can be sent via Campus or United States Mail to The Opinion, SUNY AB Amherst Campus, 724 John Lord O'Brian Hall, Buffalo, New York 14260 (716) 645-2147 or placed in law school mailbox 761. Deadlines for the semester are the Friday before publication.

The ideas expressed in the "Letters to the Editor" and on the commentary page are not necessarily endorsed by the Editorial Board of The Opinion.



Opinion Mailbox

Protests Hurt Your Peers

To the Editor:

There seems to be a substantial number of individuals within the law school who feel that the military discriminates on the basis of sexual orientation. The issue is certainly not easily resolved or even comprehended. I would like to offer my viewpoint on this subject matter, having served on active duty in the United States Air Force for five years prior to attending law school here at UB. Specifically, I am compelled to speak out against the demonstration intended to disrupt the Judge Advocate General's Corps interviews being conducted on campus. The rights of those who are considering the JAG Corps as a desirable option are being infringed upon and I find it very upsetting that the Law School Administration is permitting this puerile and misplaced interference to occur.

I completely agree with the application of the right to free speech in this context and I would have no objection to a demonstration that was truly peaceful in nature. However, the right to free speech must be limited when its exercise results in harm to another. This demonstration is clearly designed to intimidate and harass those that want to take part in a perfectly legitimate hiring interview. For those of you who don't know, the military hiring interview, that is required as part of the application process to the JAG Corps of any branch of the service, is a critical and heavily weighted factor that the selection board will consider. I hope that all of you realize that expressing your opinions in this manner has a significantly detrimental effect on the careers of those UB students who desire to enter the military.

I really thought that law students were supposed to be able to understand proper and effective means to influence change, especially when there may be other individual liberties at stake. Apparently we haven't been learning the same advocacy skills if some of you think that terrorism is a legitimate form of argumentation. Concern over this issue should be directed to those that can actually do something about it - not the recruiters or candidates. If the ban is ever going to be lifted, it won't be because UB law students directed their hatred of the military toward those of us who want to be a part of it. Even if this demonstration were to serve the apparent purpose of disrupting the JAG interviews, I don't see how that has anything to do with lifting the ban on homosexuals in the military. It will only prove that some of us don't know the correct methods or appropriate individuals to address.

It would appear that this demonstration is being organized simply because military officers are going to be on campus and the opportunity to hurt others has arisen. Although some would argue that the time has come to give the military a taste of its own medicine, I would hope that the sophistication of our law school has not descended to that depth. If this really is a manifestation of a desire to attack the military, then go ahead and attack me. Just see where it gets you. But honestly, I'm not gay and none of you intend to go into the military anyway - so let's just leave each other alone.

Kirk Obear, 3L

...Opinion Mailbox, continued next page

Retraction: Sorry to 1L Robert Johnson, who we listed as 2L Walter Johnson, and who lost the SBA elections. But take it from us, you really won, and you will always be our Hall of Famer.

Introspection

By Maria T. Buchanan

Features Editor

Back in my high school years, when I was still naive and my opinions tended to shadow those of my parents, I thought that abortion was wrong. I remember a chart that my mother showed me comparing the number of abortions performed each year with the number of casualties in various wars (I'm sure the pro-life group responsible for this propaganda was accurate in its estimates). At that time, I had difficulty understanding how someone could reach that decision.

Why should abortion be kept legal? As you know, there are numerous theories on this subject. I feel that for the answer, one need only to observe a day on the Metro rail. I must state that the following comments are my observations and are not meant to condemn any particular race -- for the problem is cross-racial.

Riding the Metro each day this past summer, I was awakened to the depth of the problem of teen pregnancy. Each day these "parents" (who seemed to look as young as 14) would board the subway to go down to the Rath Building, the home of the Erie County Department of Social Services. These "parents" appeared to be in need of parents themselves. The situation disgusted me not because the majority of these "parents" are a burden on the

welfare system, but because these children should have never become "parents" at this point in their lives.

I am in no way arguing that a person who conceives a child before a certain age is any less capable of being a good parent than someone who is older. I realize that many young parents are probably fine parents. However, I feel that it is a sad situation when children are raised by "parents" whose primary concern is the type of "GEAR" they are going to wear.

Recently, while on the Metro, I observed a conversation between a group of five youths. Two of these youths were a couple who discussed their baby and their recent purchase of baby Air Jordans. The group was on their way to the Galleria Mall and planned to shop at Baby Gap and Foot Locker for Kids. These five youths collectively could not read their transfer ticket. In addition, they were passing marijuana around in plain view, showing no respect for those passengers around them.

Although it is nice to see that these "parents" are concerned with clothing their child, I would bet that their children are being deprived in many aspects of their lives. These "parents" should have been in school at the time they were cruising the Galleria. Had they been in school, maybe they could have learned

to form a complete sentence without the word "FUCK" coming out of their mouths.

I tend to doubt that these "parents" have the ability to nurture their child's educational development. How are they going to read Snow White to their children if they can't read themselves? These "parents" may desire more for their children, but what are the chances that their children's lives will differ from that of their own?

There are no religiously or otherwise affiliated persons or groups in this nation that are going to stop these kids from having sex. The powers that be should see to it that these kids have birth control available to them, not only for prevention of unwanted pregnancies, but also for health reasons. Those citizens that feel their tax dollars should not go toward such a thing, should understand that the small cost of one piece of rubber can offset the expenditure of thousands of dollars spent on an individual forced onto the welfare rolls.

Those child "parents" who want a better life for themselves and any future children they may have, should be allowed the opportunity to choose the best path for their future -- regardless of whether that path to a better life involves an abortion or not.

Who is responsible for the rape?

by Dan Harris, Photo Editor

This past summer I watched the trial of Anthony Gugino. It was a fascinating trial, something that would seem perfect for a made-for-TV movie. One of the witnesses was a transsexual. The prosecution's star witness, Robert Rawley, claimed to have helped Gugino dispose of the body. Gugino, in his defense, claimed that Rawley was the real killer, and that he had only helped dispose of the body. It was exciting watching Gugino and Rawley accuse each other of being the real killer. It was so exciting that one could almost lose track of the fact that a young woman was tragically raped and murdered on her thirteenth birthday.

These facts were not disputed: Anthony Gugino had been the boyfriend of Jennifer's baby sitter. Jennifer thought of Gugino as an uncle, and trusted him as such. On her thirteenth birthday, he took her out. They were joined by Robert Rawley. Jennifer never got home. A month later, with the help of Rawley, the police recovered her raped and murdered body.

What is in dispute is the version of who was the real rapist and killer. The only two people who were there were Anthony Gugino and Robert Rawley. They were the only suspects. They both claimed that the other one had murdered Jennifer. Therefore, one or the other of them had to be her killer.

According to Robert Rawley, Anthony Gugino told him to get a pack of cigarettes, and leave him alone with Jennifer for a while. Before he walked away, Rawley heard Jennifer ask Gugino to take her home. Gugino's response was a punch to Jennifer's chest. Rawley then took off for twenty minutes. When he returned, he saw Gugino buckling his pants, and Jennifer dead. The two of them then disposed of the body.

According to Anthony Gugino, after meeting Jennifer, Robert Rawley expressed a desire to have sexual relations with her. Gugino then reprimanded his friend. Later Gugino left Rawley alone with her for twenty minutes, because he had some business to take care of with some other people. When he returned, Jennifer was dead. The two of them then disposed of the body.

The prosecution believed Robert Rawley's version. So did the jury. Anthony Gugino was found guilty of raping and murdering Jennifer. Society says that the guilty party has been caught. I disagree.

No matter whose version you believe, both men were responsible for the death of Jennifer. In both accusatory versions of the story, each man said something to indicate that he knew that Jennifer could be in danger by the other man. Both then stated that he left the other man alone with her.

Let's agree with the prosecution and the jury by accepting Robert Rawley's version of what happened. There is no way he could not have foreseen that Jennifer would be raped, after Anthony Gugino punched her in the chest.

I believe that Robert Rawley did not expect Jennifer to be murdered. However, walking away knowing that someone was about to be raped was horrendous. He could have stopped Gugino from raping her. He could have fought him, threatened him with the police, called the police, helped Jennifer run away, etc. If he had done any of those things, Jennifer would still be alive. Instead, he simply walked away.

The previous account was all about a spectacular murder trial. But I know that plenty of rapes could have been prevented by other people. Plenty of uncaught rapists could have been condemned by their know-

...Rape, continued on page 6

Opinion Mailbox, continued from page 4

Stop Glorifying Gun Usage

To the Editor:

The other day as I walked down the O'Brian Hall stairs, two signs posted on the brick walls caught my attention.

One sign was posted by a candidate for an SBA position. I have never met this person and, as a faculty member, have at best an attenuated interest in the SBA elections. I have to admit that I was shocked by his campaign image - the candidate with a visible rifle or facsimile and a reference to being a "hired gun." I am fully aware of the implications of the verbal message which the candidate was conveying - a statement which I personally believe reinforces the worst images of our profession. In any case, it does not require a deep deconstruction of the poster to raise serious issues about the casualness with which we treat violence in our society and its intrusion into the most unlikely places.

In conversations with law students about the image, several people suggested that it was a "joke." Some individuals may see humor in the image. I must note, however, from my work with batterers, that humor about violence is one of their well-developed denial mechanisms.

The second poster was an advertisement for Lexis which con-

tained a photograph of a man (ostensibly a lawyer) with a gun holster at his hip and the challenging words "make us pay." The image was so artfully constructed that on casual glance I saw a gun in the holster. It was my secretary, Inda Kelly, who took a hard look at the poster and informed me that there were dollar bills in the holster. Again, it does not require a major cultural analysis and critique to raise questions about the message and the choice of images to convey it. Dollars and the equipment we associate with a gun and therefore, violence.

In an era of post-modern image fragmentation, recombination and recontextualization, I suppose there are no boundaries. Does it follow that there is no responsibility or accountability for images?

I invite discussion through this paper or with me personally about the issues I have raised. Needless to say, as a teacher whose seminar on "Terrorism in the Home" addresses the pervasiveness of violence in the U.S., I am deeply concerned.

Sincerely,
Isabel Marcus
Professor of Law

Open Letter To President Greiner

Dear President Greiner:

On Wednesday, September 16, 1993, you appeared on a WBFO call-in show. A law student, "Anthony," called and asked you several questions. He first asked about the two conservative distinguished speakers, then about adding "sexual orientation" to the University's non-discrimination policy, and finally about allowing the military to recruit on campus.

At no time did he state or imply that he was gay or bisexual. However, early the next morning he received harassing, anti-gay phone calls.

We are not suggesting that you or your responses are responsible for the actions of this bigot. However, we think that it is important for you to be aware that this happened, because it is indicative of the atmosphere towards gay, lesbian, bisexual, and transgendered persons on campus. For years, students and some faculty have struggled to make straight people on this campus more tolerant. It is time for the administration to show commitment to this work.

There are several simple steps that could be taken by you and the administration to demonstrate to the student body that all students are welcome on campus and deserving of basic respect.

*When answering questions about military recruitment on campus, instead of just saying you are following federal law, you could mention that you find the discrimination policy to be abhorrent and that the military is only allowed on campus because you have no power to keep them off. (To that extent, last year the University of Minnesota's decision to ban military recruiting was upheld in court, and I assume they are subject to the same federal laws as New York.)

*It is commendable that the University's non-discrimination policy includes sexual orientation. However, it is disturbing that many active students were unaware of this inclusion. We would like to know

how we can use this policy for this updated version to be included in all relevant campus publications.

In addition:

*October 11 is National Coming-Out Day. Traditionally, it is also Gay Jeans Day. We ask people, regardless of their sexual orientation, to wear jeans in support of lesbian and gay rights. The theory behind Gay Jeans Day is that it is an easy way to show support; and, since many people will wear jeans without knowing or considering it is Gay Jeans Day, it demonstrates that queer people are among the population every day and that you can not tell by looking at people that they are not straight.

We would like to formally invite you to publicly wear jeans on Gay Jeans Day and to stop by our tables in the SAC and O'Brian Hall to show your support. We would also like for you to encourage all members of the University community - faculty, staff, administration, and students, to wear jeans.

*Establish an office or a person to be the liaison between the queer community and the administration. We would like there to be someone we can approach with our concerns.

*A recent Reporter insert from Public Safety explained their policies for various crimes under their jurisdiction. Nothing was mentioned about Hate Crimes. The lack of investigation of Hate Crimes has been a long-standing complaint of lesbian, gay, bisexual, and transgendered students. Prominent mention would send a strong message to perpetrators and potential perpetrators of Hate Crimes that their actions will not be tolerated.

The absence of the above measures carries an implicit message that gay, lesbian, bisexual, and transgendered persons are appropriate targets for harassment, discrimination, and hate.

...Opinion Mailbox, continued on page 6

Clinics emigrating from UB Law

By Laura Vasquez

Immigration and Asylum issues have recently become a hotbed of debate in our national legislation. Both the September issue of the Journal of the American Bar Association and a recent edition of the New York Times Magazine, whose cover stories featured articles on immigration and asylum, underline the magnitude of this issue in current debate. Discussion of national immigration policy often strikes at the heart of our self-definition as North Americans.

Immigration and asylum are often emotional issues that lend themselves easily to stereotype and xenophobia. Some argue that as a nation of immigrants, one of whose main ports of entry boasts a statue with the inscription - "Give me your tired, your poor, Your huddled masses yearning to breathe free, The wretched refuse of your teeming shore, Send these, the homeless, tempest tossed, to me: I lift my lamp beside the golden door" - we cannot disregard our immigrant past and shun those who only want a better life for themselves. Do we have a humanitarian or moral duty to help out those people whose countries have failed them and who without our refuge would face tortious and often deadly condi-

tions in their homelands? Instead of a nation of immigrants, some of our entire history is one of illegal immigration, with our ancestor occupying a land that originally belonged to the Native American. Are we all here illegally, having come uninvited to impoverish the people who originally lived on this land? Is our way of life threatened by immigrants and asylum seekers as the Native American's was? If we are descendants of illegal immigrants, do we then have a right to complain about those who are seeking the same things that our ancestors sought? Others argue that immigrants are too much of a drain on our national resources, and that drain we can no longer afford to support. Is immigration really such a drain on our national resources that it threatens our existence, or are we succumbing to xenophobic hysteria that historically has characterized nations in trouble? How can we take care of those from other countries, when we have such trouble taking care of our own population? Because of all of the recent concern, immigration and asylum laws are currently in the process of rapid and drastic change. Immigration issues have in some way touched almost every aspect of our national life. Nominees for political posts are now scrutinized for whether they have

ever been involved in the employment of illegal immigrants. In many places, increases in crime rates have been blamed on immigration. Immigration issues are deeply embedded in our economic and trade policies as the recent discussion on the NAFTA treaty attests.

The importance of immigration and asylum issues in our national debate is only one reason why the impending closing of the UB Law School Asylum Clinic for lack of funding is a great loss to our school. There is certainly no lack of interest or enthusiasm in these issues by our student body. This was vividly demonstrated last year when 13 students forfeited a part of their winter vacation and paid their own way to West Palm Beach Florida to help process asylum application for Haitian Asylum Applicants. While only 13 students were able to go to Florida, there were many, many more who wanted to go, but who were unable due to lack of space in the project. On a more personal level, the opportunity to participate in the asylum clinic last spring was one of the best experiences that I have had during my last two years at UB Law School. It was my first opportunity to use and apply the law in a real situation, instead of just reading about it and talking about it in class. The clinic helped give

some real meaning to the abstract theories and readings that take up our lives in law school. Participation in the clinic was partly responsible for my choice of a summer job. In that job I had my first exposure to the trial process and my first chance to try my hand at some real lawyering.

The closing of the asylum clinic also has ramifications for how we view ourselves as a law school. UB Law School is known in large part for its focus on public interest law. That focus is one of the things that really distinguished UB from other law schools in the Northeast and is one of our greatest strengths. The clinics are at the heart of the public interest focus. They give students the chance to get their hands dirty with real law and to help out the community (which funds our school) at the same time.

Does the closing of the asylum clinic signify that UB Law School is in the process of redefinition? Are the other clinics also in danger? I certainly hope not. As a third year, I am very lucky to have come to UB at a time when the clinic was offered. My experience in the clinic changed my life in many ways. It is a shame that the clinic will not be there for my colleagues in the future.

Opinion Mailbox, continued from page 5

Part of the purpose of publishing this letter is to reach straight students, faculty, and staff who may feel the same way as you. People need to realize that SUNY at Buffalo is not a secure place to announce that you are queer. This will not change until more people come out of the closet and more straight members of the community openly support gay rights. By asking pro-gay questions on a call-in show, wearing jeans on Gay Jeans Day, or by objecting to an anti-gay joke, you may be exposing yourself to anti-gay bias and attacks, but until more people like "Anthony" are willing to speak up, bigots will feel free to harass and bash.

We look forward to working with you on these concerns.

Sincerely,

"Anthony"
Deborah Gottschalk, President
Lesbian, Gay, Bisexual Law Students
Andy Butler, President
Lesbian, Gay, Bisexual Association
Glen Brodowsky, President
Graduate Gay and Lesbian Alliance

A Moot Court Response

To the Editor:

We would have liked to respond to Mr. Sylvester, Mr. Fleischman, and Mr. Conte's letter of several weeks ago that was printed in your newspaper, however, we are unable to do so at this time because we have a Moot Court Competition to supervise and we are therefore too busy (Participation in the Desmond is up 45% from last year).

Sincerely,

The Buffalo Moot Court Board

Women Must Be Assertive

To the Editor,

I feel compelled to respond to the Features piece from last week. It is disturbing to me that a student is taking such a passive, "victimized" attitude to her future. It is far easier to complain that life isn't fair than it is to take responsibility for your own choices.

I am not arguing that gender discrimination doesn't exist or that it is not a problem. I

have heard some hair-raising stories myself. I am arguing that women, like men, have control over what system of rewards they decide to pursue. "Having it all" is an unfortunate characterization of women who have chosen to pursue a high-level career and have a family. It implies that women who choose to not "have it all" are deficient somehow. It is important to remember that you do have a choice about what kind of work you want to do and where you want to do it. If a woman chooses the system of rewards which is offered to her by the male establishment she must either accept it or work from within to change the system.

This week I had a job interview with a woman who has been working in a medium-sized firm for ten years, and is going to be made partner next year. For the last several years she has been working part-time. She has two children, now in school. She has been working at developing a specialty within the firm and has helped expand the client base through this specialty. She told me about the trailblazing done by the first female partner in the firm, who also worked part-time for a period while her children were young.

I tell this story simply to illustrate that women need to take responsibility for their lives and have confidence in their choices.

Changes in attitudes cannot be legislated and they will not be handed to us. Women must realize that they must assert their priorities and not passively adopt the system already out there. The road to change begins at your own front door.

Cindy Lapoff, 2L

...Rape, continued from page 5

ing friends and acquaintances.

Not too long ago, I heard a horror story. A girl had been dating a guy for a few months. She adamantly resisted his requests to "make love". One day he raped her. After the incident, when she thought he couldn't do anything worse to her, she accepted his offer of a ride home. He didn't take her home. Instead he took her to his friend's house where five guys spent hours repeatedly gang-raping her. Clearly it had been planned in advance. It's quite possible that the offer to partake in the rape was turned down by a few men. No one bothered to warn the girl. No one bothered to save her the pain and trauma. Instead four guys agreed to partake in a gang rape with her boyfriend.

I'm not all together innocent myself. During my first year at UB Law, I was told that one of my friends had attacked one of his dates. I asked a few questions, all of which confirmed my friend's guilt. I confronted him. He denied it. I accepted the denial, and continued being his friend. I justified my action: the victim had never pressed charges. He was only accused of molestation, not rape. It was her word against his; how could I condemn my friend on such meager evidence. But, in my heart I knew that he was guilty. If nothing else, just from the way he talked about women. Since then, it's rumored that he attacked someone else. Perhaps if more people had openly condemned him for his actions, another woman would not have had to bear the trauma.

Not all of us are warned or receive hints that a rape will occur. But there are still things we all can do to prevent it. We can join the Anti-Rape Task Force. Just taking the time to walk a woman to her car helps. We can warn a woman away from someone we know is sleazy. We can even go as far as making a pariah out of someone who takes part in a sexual assault. Or, we can do what Robert Rawley did: we can just walk away.

...Moot Court, continued from page 3

one could be erased with the requirement in question.

In Sunshine's opinion, "last year's situation was an aberration." He notes that Ms. Beiring is a Ph.D. candidate in ecology and a law student and that Spitzer had moot court experience and was editor-in-chief of the Law Review, among other things. They both had extensive backgrounds in environmental law and, for the record, they did come to us."

According to Ms. Beiring, "I don't want people thinking that we didn't ask or [that we] entered the competition without approval of the board." When asked her opinion on mandating this procedure, she explains that she thinks "it's important that they [the Buffalo Moot Court Board] be in charge but also willing to entertain non moot court board member's requests to participate; if they don't have any one interested in the particular competition."

But "with 22 members of the Buffalo Moot Court Board who want to fill the six available slots for national competition this year," Mr. Sunshine doesn't see the possibility of a lack of interest in national competitions. He says, "the fact that they won last year is great, but adds, "when the process is not standard, it presents a problem. We need some

objective criteria [so] we encourage competition in the Desmond, and let the most talented teams [those people selected by the vote of the Board] represent the school."

Sylvester however, sees a limit to the amount of objectivity that's truly possible and feels that someone should not be prevented from entering other competitions because they failed to make the moot court board. He insists that "it's totally up to the judges and their concept of style and cites his experience with the Jessup International Moot Court where points allocated by judges differ so much that the highest and lowest scores are averaged.

In Sunshine's opinion, Jessup is by nature a more subjective competition. He states "we have abdicated international law to different rules, different expectations for etiquette and a different style of argument." He feels that the Desmond is, as a result, a competition that allows for more objectivity."

The Jessup/Desmond discussion however, comes up in another area of this controversy. All three signers of the letter to the editor are members of the Jessup Moot Court Board; Mr. Fleischman and Mr. Conte, on whose behalf, Mr. Sylvester responds,

are president and vice president respectively. According to Mr. Sunshine, the "letter then takes on a different tone."

In Mr. Sylvester's opinion, their status is irrelevant. He explains, "there were other people, not on Jessup, who were willing to sign, but I could not get a hold of the Opinion in time." However, he points out that the signer "can't speak for the Jessup Board" because they did not consult them and "there's a number of people on the board."

In fact, he points out that if he were speaking for the Jessup Board [he] probably would have approved the requirement because of the kind of control that it gives a moot court board. Pointedly, he cites a section of the letter which states "These funds belong to all students, not just those who have been 'fortunate' enough to have made Desmond or any other moot court board." "Speaking for myself however, I think that it's a lousy idea because I think that it only serves the people on those organizations."

As this year's Desmond Competitors practice their "winning" styles, this is an issue that may either lose wind from exhaustion or gain speed as other (non moot court board) law students seek to duplicate last year's results.

New Professor Puts On A Show

By Shawn Carey

The people take their seats, ready for the show to begin. They're here to see the big guy with the German accent. Those who have watched him work before know what to expect -- lots of action and a distinctive brand of humor.

The big guy doesn't disappoint. He's going full-throttle from the first time the audience sees him. When he slows, it's only long enough to fire off a one-liner that leaves 'em laughing from the front row to the nosebleed seats. By the time the crowd composes itself, the big guy is off and running again. His audience follows along, wondering what's next.

If you feel like you've wandered into a review of one of Arnold Schwarzenegger's hit movies, don't feel bad. You've probably never had a class with Markus Dubber. Not many have. Dubber is in his first year on the UB School of Law faculty and this semester he's teaching Criminal Law to one section of 1Ls.

At 27, Dubber qualifies as both new kid and "Wunderkind" on the law faculty. Don't expect to hear that from him, however.

For his part, Dubber is "just glad to be here."

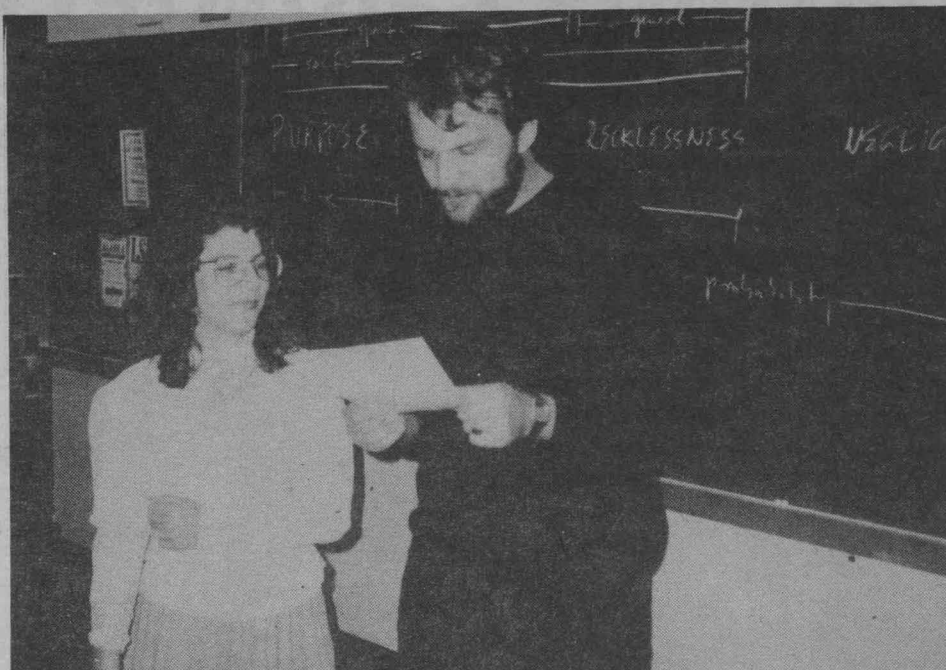
"I think it's a great training ground for young legal scholars," Dubber said of UB School of Law. "You get an unusual amount of independence for a young faculty person here. You are also encouraged to explore and go beyond the boundaries of traditional legal scholarship."

"At other law schools, young professors are pushed towards the traditional, well-worn paths of legal scholarship. Here, you can be whatever you want to be."

That made UB an ideal choice for Dubber.

"I was in a hurry," he said. "I knew what I wanted and I didn't have any time to waste."

His students can testify to that. Even on the first day of class, Dubber was in a con-



UB Law Professor Markus Dubber (Right) at his Criminal Law class

Photo by Shawn Carey

trolled, but furious rush. At the end of his first lecture, the young professor's shaggy hair and beard were damp with sweat and the already threadbare carpet of Room 108 was nursing some fresh scars from the tromping soles of Dubber's feet.

He hasn't really slowed down since, though you can't clock his mileage with the class syllabus. Dubber isn't one for droning Black Letter Law or following a set schedule.

As for his teaching style, he says "I just do it."

That can make things rather unpredictable, which is exactly what Dubber is looking for.

Teaching law, Dubber says, is like hopping on a wild horse. You don't know exactly where you'll end up or how long it will take you to get there, but you should be in for a hell of a ride.

"I hope I will always feel that way about

teaching law," Dubber said. "Once it seems to you like a broken-down old horse, it wouldn't be so exciting, not so interesting."

"I think students need to feel more comfortable with the uncertainty of the law because if it weren't uncertain it would be boring."

Dubber tries not to let his Criminal Law classes get boring, either. If it means pacing the floor like a caged animal at feeding time, spraying the classroom with volleys of quips, cutting the air with more hand chops than Elvis in his Vegas days, or playing a particularly devilish Devil's Advocate, Dubber will do it.

On one occasion, the burly 6-foot-3-inch, 230-pound rookie professor launched a piece of chalk into the back row of the classroom in mock anger at a student's jab.

Even if he himself is the best fodder for his own wit, Dubber doesn't hesitate.

The day after the formerly unknown and

untested Conan O'Brien made his first appearance as the unlikely heir to David Letterman's Late Night television throne, a grinning Dubber was writing diligently on the chalkboard. He stepped back to reveal a parallel that would be the punchline for his first joke of the day. He had scrawled "Criminal Law With Conan O'Brien."

If even Dubber is satirizing his own lack of experience, what should potential students make of it?

Well, as far as being a finished product, Dubber clearly isn't soup yet. But the broth is not without some strong seasoning.

Born in Dusseldorf, W. Germany, Dubber is the youngest of three children. His mother is a former high school teacher, his father a retired businessman. Growing up, he played the piano and sports, including handball, tennis and soccer.

He spent a year as a high school exchange student in Columbus, Ga., then a year after high school in the German army.

"I wasn't too successful in the military," Dubber said. "In fact, I was a distinct failure."

He was more successful in academia and the United States. He graduated from Harvard University with a bachelor's degree in philosophy in 1988, then moved to the West Coast, where he attended Stanford Law School, graduating in 1991.

In the summer after his first year in law school, Dubber worked in the Appellate Division of the California Public Defender's Office in Los Angeles. The highlight of that summer job was interviewing a Folsom Prison inmate who was a Satanist, transvestite, karate black belt from Mississippi who insisted he was from Puerto Rico. He was being prosecuted as L.A.'s "Skid Row Slasher" under the theory that he had murdered homeless men so he could collect their souls and train them in karate so they'd be prepared to fight the Ku Klux Klan at

...Dubber, continued on page 8

FREE MPRE LECTURE

**Presented by
STANLEY D. CHESS**
President, BAR/BRI Bar Review

More people take BAR/BRI than all other bar review courses combined. And more people take BAR/BRI's course on the Multistate Professional Responsibility Exam (MPRE).

For all second- and third-year students currently enrolled in law school and enrolled in the BAR/BRI bar review for New York, New Jersey or any New England state, all you need do to take the MPRE course is complete an MPRE course application. No additional money beyond your \$75 bar review course registration fee need be paid. For non-BAR/BRI students, the cost of the MPRE course is \$75.

BAR/BRI
BAR REVIEW

The Nation's Largest and Most Successful Bar Review
1500 Broadway, New York, NY 10036 • (800) 472-8899
20 Park Plaza, Suite 931, Boston, MA 02116 • (800) 866-7277

Date:
Sun., October 31, 1993

Time:
11 AM

Place:
Buffalo Law School
Room 106

Presented on videotape

The Roaming Photographer

by Dan Harris, Photo Editor

This Week's Question: "What do you think of the recent peace agreements in the Middle-East?"



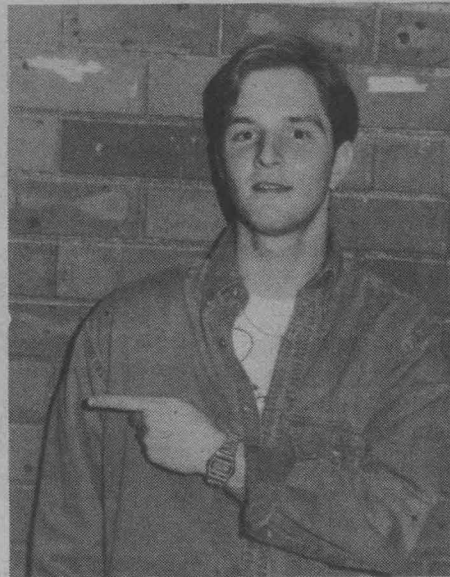
Nicole Wint, 3L

"I think the peace settlements are going to be temporary."



Cindy Valderrey, 2L

"It's about time!"



Tom Glascock, 2L

"I agree with Cindy."



Marc Panepinto, 2L

"I think the peace developments are a step in the right direction. ... I see this as an ice-breaker for more significant change."

Book Review:

Seinfeld's World Keeps Law Students Sane

by Jeffrey Weiss

Let's face it, Law School is stressful. It can be such a taxing and mentally fatiguing experience that even those who possess the strongest of wills, have been known to break down from time to time. The hours that you spend reading and briefing dozens of incredibly boring cases, written by a couple of old geezer judges whose writing style is about as exciting as the Nashville Network, will surely lead you to the local tavern where you'll be singing "The Law School Blues." The story gets even bleaker when you are forced to deal with some of the other fringe benefits offered at good old UB Law School: the weather reminds most

people of a Russian Gulag, the probability of the United States giving Texas back to Mexico is higher than your chances of getting a job if you ever graduate from this state funded haven, and it is impossible to get a decent slice of pizza in this town, even though I must admit that the chicken wings are quite good.

But don't despair, there's hope. If the toil and trouble of Law School ever brings you down, I highly recommend that you journey to your local bookstore and pick up *SeinLanguage* by America's favorite comedian, Jerry Seinfeld. It's guaranteed to cheer up someone as miserable as a Buffalo Bill's fan after they were crushed for the third straight year in

the Superbowl.

Seinfeld's genius emerges directly from his simplicity. While we all live in a world filled with complexities, Seinfeld is able to focus in on subjects that most people tend to overlook as they blindly scurry around from one place to another. Only the extremely quirky, and at times anal retentive personality of Seinfeld can go off on a tangent about such rarely pondered topics as personal maintenance, driving and why it is so difficult to be naked? His gift is the ability to take an everyday phenomenon, twist it around, and look at it from a different, and often humorous angle. This is clearly illustrated when he writes, "What is the handi-

capped parking situation at the Special Olympics? They must have to stack like a hundred cars into those two spots. How else can they do it?"

One admirable trait that Seinfeld must be respected for is his ability to boldly come out and say what's on his mind. There's no beating around the bush in this book. For example, when Seinfeld evaluates the actions of a young man who is hoping to score after an expensive dinner date, but ignorantly requests for a doggie bag, he bluntly concludes, "When you ask for the doggie bag on a date, you might as well just have them pack up your genitals too. You're not going to be needing them for a while, either." Another illustration of Seinfeld's brash, yet simplistic comedic style is: "Men are obsessed with cleavage, women are obsessed with shoes. It's the exact same obsession. It doesn't matter how many times we've seen these things, every time these objects are presented to us, we have to look."

Dating and sex are two topics that Seinfeld frequently alludes to throughout the book. He seems quite at ease while discussing these subjects that most people tend to shy away from, at least in open company. For instance, the first entry in the book deals with dating. Notice how Seinfeld, without any great difficulty, is able to take such a personal subject and simplify it to a degree that everyone can comprehend, when he writes, "The only difference between a date and a job interview is that in not many job interviews is there a chance you'll wind up naked at the end of it." Another example of his gift of simplification takes place under the section entitled "The Sex." Seinfeld

claims, "To men, Sex is an emergency, and no matter what we're doing we can be ready in two minutes."

Of course, Seinfeld's book wouldn't be complete without a couple of comments about, you guessed it, lawyers. In a rare moment, Seinfeld actually expresses a bit of admiration for the attorneys in our society. "To me a lawyer is basically the person that knows the rules of the country. We're all throwing the dice, playing the game, moving our pieces around the board, but if there's a problem, the lawyer is the only person that has actually read the inside of the top of the box." Another keen legal observation that he makes is as follows, "I think probably the most fun thing a lawyer can do is say 'Objection,' which is the adult version of 'fraid not.' To which the judge can say two things. 'Overruled,' which is the adult version of 'fraid so' or 'sustained,' which is the adult version of 'Duh.'"

Jerry Seinfeld is here for the long haul. This book should serve as a sufficient supplement for his legions of fans who have a rough time waiting seven days between episodes and are still upset that their favorite show is now in syndication, yet there is never a shortage of *Mama's Family* or *Saved By The Bell*. Hopefully, for the few people in our world that have not been exposed to the best thing that the entertainment world has to offer, this literary work will serve as the gateway into a world of simplicity, comedy and extremely illogical logic. That my friends is the world of Jerry Seinfeld, which is a wonderful place where everyone should consider visiting.

...Dubber, continued from page 7

the Mexican border.

"He was really a very nice man," Dubber said. "He tried to psychoanalyze me. He was sweet."

Things never got quite so bizarre again, but Dubber collected additional criminal law experience when he worked for a Boston law firm the summer after his third year. He spent most of that summer in federal court, assisting in the defense of a man accused of being a local drug lord.

Dubber then spent a year clerking for Gerald Bard Tjoflat, Chief Judge of the 11th Circuit, which covers Florida, Alabama, and Georgia. A large part of Dubber's work was to draft decisions on convicted murderers facing the death penalty. Since the judge's decisions often affirmed the death penalty, Dubber found himself with a moral crisis.

"I was uncomfortable with it," he said. "But I saw my job as containing the damage by limiting decisions to their specific facts. I didn't like doing it, but I felt it was better to do it myself than to have some other clerk do it."

While it compromised his own beliefs on the death penalty issue, the clerkship was useful to Dubber in other ways.

"I was surprised to learn how

little fancy jurisprudential analysis mattered, at least to my judge," Dubber said. "His was a pragmatic approach. He was interested in the facts."

"I learned the importance of the record (a chronological compilation of everything that happened in the case). In law school, you never saw a record."

His clerkship completed, Dubber moved from the Deep South to the Midwest and the University of Chicago Law School. He spent the 1992-93 school year there teaching legal research and writing on a Harry A. Bigelow Fellowship. Ironically, UB School of Law's only other new faculty member this year - Nancy Staudt -- was at the University of Chicago Law School on the same fellowship at the same time.

While at Chicago, Dubber published an article in the *Buffalo Law Review*, (Vol. 41, Number 1) titled "Regulating the Tender Heart When the Axe is Ready to Strike." It deals with recent developments in capital punishment jurisprudence, particularly with the effect victim impact evidence has on the protection of the defendant's rights at the capital sentencing hearing.

Today, his research focuses on retributive emotions and their role in punishment theory. Retributive emo-

tions, punishment theory. Sounds like a good time to bring up Schwarzenegger again. Dubber laughs at the question, which he's heard before.

It seems others have also taken note of his accent.

"I've had people ask me to say a few of his lines from the movies," Dubber said. "You know like 'Hasta la vista, baby!' and 'I'll be back!'"

From the sounds of it, Dubber's distinct voice could become a familiar one at UB.

Next semester he will teach Criminal Procedure and a seminar to be named later.

Beyond that, Dubber insists he, like that other big guy with the German accent, will be back.

A bachelor who lives on Buffalo's west side, he's been pleased with the selection and quality of the city's restaurants and is looking for good music clubs that specialize in jazz and Blues. After last year in the Windy City, Dubber figures he's prepared for the Buffalo winters. And if not, he's going to have to get used to them.

"Oh yes, definitely," said UB's youngest law professor. "This is where I am, and this is where I'm going to be."

...Results, continued from page 1

of the school, the easier it will be to get a job," Victor Bobet said.

All 14 candidates for first year class director spoke at the forum. Accessibility to class directors representing their class' positions on issues were consistently promised by the first year students. First Year Director Ben Dwyer said he wants to use his position to create greater student involvement in planning new curricula. "While I am not so bold to say that I could plan the curriculum of a three-year law school," Dwyer said, "I believe on principle that the students should be involved in that process."



Dean Boyer playing softball

"Yeah, But He's No Headrick!"

(Faculty v. Law Review Softball)

by Cal Rypkin

On Friday, Sept. 24, the Second Annual staff/faculty v. Law Review softball (or grapefruit) game commenced. This is a brief review of the game, with notable quotes and happenings.

During the first few innings the rival teams fared well against each other, but Tom Headrick's stellar short-stop ability as sadly missed as the staff and faculty began to tire in the late afternoon sun. The Law Review again pummeled the staff and faculty, a dangerous move considering finals are on the horizon, in the not too distant future.

The "gloveless wonder," Markus Dubber, made his softball debut at this very game. Never having played before, he opted out of using a glove and instead used his bare hands. The staff and faculty did convince him to use a bat, though, and after a few attempts, he hit their only homerun. Dubber also learned a valuable lesson, that intimidation tactics are inappropriate in a softball game, even if it is a farm league.

It was not until the 2d inning that the staff and faculty unleashed their secret weapon, Lois "the stud woman" Stutzman, who played an error-free 2d base and hit like a pro. If it had not been for the amazing centerfielding of Kim DeWaal, the painful score would have been much worse. However, after secret negotiations and a few threats (something about transcripts), it was determined that the official final score was 9-10, Law Review.

It was a very revealing afternoon, we finally found out what the "B" in Barry B. Boyer stands for--BLASTER. This became obvious when, with bases loaded, he hit the ball so hard that it burst--oh no, that wasn't a ball, it was a grapefruit that had oh-so-cleverly been painted with white out to resemble a softball by those tricky Law Review people (and they wonder why they're being moved to the 4th floor janitorial closet!). All in all, it was a great afternoon. A nice way to start a new year, and (with the help of John Labatt) fun was had by all. Thank you Law Review--here's to gratuitous softball!

Coming In 2 Weeks: Another Issue Of The Opinion.

Be A Part Of It!

(Just Do It! You Won't Regret It!)

Call 645-2147

OR

Drop A Note

In An Editor's Box.

First Years Lament Lack of Space

by Peter Zummo

What's the story behind the population explosion in the 1L class this year? Like most things here at UB Law, there is no one simple answer, but here is the story as best we can piece it together.

The SUNY system uses a system of "benchmarking" or student enrollment targets. These are set in Albany and then filter down through the SUNY system to UB, and finally to UB Law. At every step, there are trade-offs made, all with the goal of meeting the enrollment quotas in order to maximize tuition revenue.

Here at UB Law, our historical benchmark was set a few years ago, and is quite high. According to Dean Barry Boyer, the state was targeting UB Law for a total of 780-800 students, which is "really too high." In order to meet the targets, the first year class would have to be in the range of 250-270 students, in addition to increasing the number of transfer students accepted.

By late summer, transfers were running

below expectations, and a decision was made to increase the 1L class to make up for the difference.

Standards for admission were not lowered or compromised, although Dean Boyer admitted that "we had to go a little lower into the wait list" in order to meet the targets. This year's class eventually numbered 269 students.

Many students were not prepared for the large classes they encountered on the first day of the semester, and even some professors were "shocked." Professor Markus Dubber, also beginning his first year at UB Law, was surprised to find so many students waiting for him in his criminal law section. He noted that "the expanded class size makes teaching and interacting much more difficult."

When asked how the bulge in 1L's will be accommodated in the next two years, Dean Boyer stated that "we should not be any worse off next year than the last three years, with the major problem being a higher number of close-

outs, people forced out of their first or second choice classes."

Some relief may be on the way, especially for required courses. As part of the ongoing review of the Research and Writing courses, a way might be found to consolidate some sections of the Writing course and thus free up those professors to teach other classes.

Boyer also stressed that a larger than usual class size does have some positive aspects, including the increase in the diversity of the student body, a point echoed by Sultan Baptiste, SBA President. Baptiste believes that "it is generally good that the school is enlarging since it creates increased opportunities for the excellent education that UB provides." He added that "the quality of the students here at UB has in no way been diminished" because of the increased enrollment.

So the next time you think there are lots of students in your classes, you're right, but just think of it as an opportunity to create more friendships.

... Cheney, continued from page 1

cuts. He feels that there is a need to attract and maintain people to serve in a first-class military. Downsizing too quickly leads to a "hollow force," Cheney explained, noting that most people don't realize how long it takes to create "a top-notch military force." He emphasized that peace, security, and stability in the world in the years ahead depends on U.S. leadership and it is important for us to "get it right."

When is a U.S. president justified in sending forces into combat, questioned Cheney. Several factors must be evaluated, including the objective and rules of the engagement, the

amount of force the troops should use, what constitutes a victory, and how do you get out, suggested Cheney.

Cheney advises that it is a mistake to send U.S. troops into Bosnia. U.S. forces are looked on differently than other countries' troops, explains Cheney. American peacekeepers should be controlled by the U.S. commander-in-chief--the president, and not the secretary-general of the United Nations, cautions Cheney, as the full faith and credit of the United States is on the line. He told the audience that a lot of other nations can send in peacekeeping forces without the need for the

U.S. to send in troops.

U.S. troops should not be assigned to United Nations commanders because as a general proposition, most U.N. member states do not have officers that meet U.S. standards, Cheney said.

During the question-and-answer session at the end of his talk, Cheney said that he hadn't decided if he will run for political office and if so, what office. He noted that people have talked to him about running for president in 1996. However, he also suggested that he might run for the Wyoming seat in the Senate.

New
from
bar/bri

ATTENTION
FIRST-YEAR
STUDENTS

REGISTER FOR BAR/BRI WITH

NO \$ DOWN

AND RECEIVE:

- ☛ THE "LOCKED IN" CURRENT DISCOUNTED TUITION
- +
- ☛ ACCESS TO ALL FIRST-YEAR REVIEW LECTURES, INCLUDING ARTHUR MILLER'S CIVIL PROCEDURE LECTURE
- +
- ☛ THE BAR/BRI FIRST-YEAR CIVIL PROCEDURE OUTLINE FOR THOSE WHO ATTEND THE CIVIL PROCEDURE LECTURE
- +
- ☛ THE SECURITY OF KNOWING YOU HAVE ENROLLED IN THE NATION'S LARGEST AND MOST PERSONALIZED BAR REVIEW COURSE

PLEASE
NOTE:

TO PRESERVE THE "LOCKED IN" DISCOUNTED TUITION, YOU MUST PAY A \$75 REGISTRATION FEE TOWARD YOUR BAR REVIEW COURSE BY SEPTEMBER OF YOUR SECOND YEAR OF LAW SCHOOL.

OR

YOU MAY PAY YOUR \$75 REGISTRATION FEE NOW AND ALSO RECEIVE YOUR BAR/BRI FIRST YEAR REVIEW BOOK!

... JAG Corps, continued from page 3

interview by going off campus to the recruiting offices. This, the group states, puts the students in the same position as students who interview for public interest organizations and small firms. The LGBLS hopes, however, that students interviewing for the JAG Corps realize that the job they get may have them enforcing the military's bigoted policy of discrimination.

The LGBLS also will protest as planned when the Army is here on this Thursday and Friday, Oct. 7 and 8. The group urges students who are interviewing with the JAG Corps to respect their protest and demonstrate their support of gay and lesbian human rights by walking through "the closet."

Many students were impressed that a group of law students with paint and banners were able to keep the US Navy off campus. The President of LGBLS, Deborah Gottschalk, 3L, stated that, "After years of protest and litigation we are extremely pleased in our victory keeping one branch of the military away from the law school."

THE UB LAW SCHOOL ADMINISTRATION'S POSITION

The Dean of the UB Law School, Barry Boyer, stated that he felt that it was too bad that the Navy did not come to the law school to interview, as had been planned. Dean Boyer said that he spoke and checked with Associate Dean Thomas Headrick and the Director of the Career Development Office (CDO), Audrey Koscielniak. The LGBLS, Dean Boyer pointed out, were complying with all university regulations in planning to carry out their protest. Dean Boyer believes that the students whose interviews were canceled did not receive a serious harm. While it may be less convenient to interview downtown, they still can interview.

This sentiment was agreed with by Audrey Koscielniak, the Director of the CDO. Ms. Koscielniak stated that the cancellation would not effect individual students in getting a job with the Navy. It would be nice and convenient, she pointed out, if the Navy interviewed on campus. Yet, now the students who will have to go interview downtown are in the same situation as other students who interview with public interest groups and small employ-

ers. Law students go to the employer's location in those instances as well. Ms. Koscielniak stressed that students should call the Navy to find out the exact process to be followed now, as the CDO presently has not been so informed by the Navy. The interview cancellations, Ms. Koscielniak believes, while decreasing the number of employers CDO brings to the law school to interview on campus, will not reflect negatively on the law school; there will be no negative repercussions by other employers who do decide to interview at the law school.

THE STUDENT-INTERVIEWEES SPEAK OUT

Three days and 24 interviews were canceled. The president of the law school government, the Student Bar Association, is Saultan Baptiste, 3L, who also was scheduled to interview with the Navy. Baptiste stated that he learned that once the Navy found out about the protest, they decided not to come. The Navy did not want to deal with the protest, he believed. LGBLS, Baptiste pointed out, was within and followed University policies. Their success in keeping the Navy off campus, Baptiste noted, shows that student activism is alive and well at UB Law School and can be quite effective. He believed that the students whose interviews were canceled received no serious harm, as they are now in a similar interview position as other students who have to go to the employer's location to interview with public interest groups and small employers. Baptiste said that if students really want to interview with the Navy, they still can by going downtown. However, Baptiste was disappointed in so far as the Navy did not tell any of the law student interviewees about the cancellation; indeed, many students did not know their interview was canceled hours after the Navy decided not to come to the law school. Baptiste believes the Navy should have been more considerate to students and their scheduling of interviews, as many students change their busy schedules around in order to make time for the Navy interview and may have lost out on other opportunities. Baptiste also stated the Navy still has an obligation to find out about the good students who still are interested in interviewing with them and that the Navy should inform the CDO of the new interviewing

policy.

Francisco Duarte, 3L, also lost an interview. He had no objection to students protesting the issue of the discriminatory practice of the military towards gays and lesbians. Duarte noted that students can still interview off campus. And, Duarte pointed out, the campus is bias free without the Navy interviewing at the law school.

Charles Greenberg, 3L, also had his interview canceled. He stated that he was a little annoyed. Greenberg believed that it was not fair to punish the entire student body who want to serve in the Navy because of discrimination by the Navy. He does, however, believe that the ban should be lifted. While agreeing with the LGBLS position on the ban, Greenberg stated that making the Navy decide not to come to the law school was not an appropriate way in which to accomplish any change of the ban.

Joel Sunshine, 3L, whose interview was also canceled, echoed and built upon the comments of Greenburg. He believes that students have the right to do what they want, but when this interferes with other students right to interview for jobs, it is going too far. Sunshine pointed out that he is the furthest thing from a homophobe. He thinks that it would be a benefit to have people who support homosexual rights to be in the institution of the Navy in order to open up people's minds. Sunshine would like to see good people be part of the military; by canceling interviews these people may not get such a chance.

THE LGBLS ON THE BAN

The LGBLS also released a statement of protest in opposition to military discrimination and recruitment. The group states that the Clinton Administration's compromise hardly changes the military policy towards gay men and lesbians. Basically, the only changes are that the military does not ask recruits about their sexual orientation and says that it will cease costly witch hunts of gay and lesbian personnel. According to the LGBLS, the Government Accounting Office reported that the military spent \$100 million between 1982 and 1992 to investigate and discharge 16,500 homosexuals.

The group states that as part of the fiscal 1994 defense budget, the US Senate branded

homosexuality an "unacceptable risk" to military morale and says a future defense Secretary could reinstate the policy of asking recruits their sexual orientation.

Instead of lifting the ban, the LGBLS points out that gay and lesbian soldiers can continue to do what they have always done. They can go to gay bars, read gay publications, and even march in gay pride parades in civilian clothes. They cannot declare their homosexuality or violate the Uniform Code of Military Justice prohibition of sodomy.

The LGBLS believes that the policy is discriminatory, bigoted and hateful. The group states that it frustrates the efforts of gay men and lesbians to break down stereotypes and prejudice, by not allowing them to serve openly in their jobs. In fact, it reinforces prejudice by only addressing "different" behaviors and by not treating gay and lesbian soldiers the same as straight soldiers and as whole human beings. In effect, the LGBLS purports, all that has happened is that the "closet" has been codified ("In the closet" is a phrase used to describe people who do not reveal that they are not straight).

A BRIEF HISTORY OF PROTEST AT UB

In September 1988, according to the LGBLS, the Law School Faculty voted unanimously to amend the CDO Anti-Discrimination Policy to include sexual orientation. This is consistent with Governor Cuomo's Executive Order # 28, SUNY Board of Trustees' Resolution 83-216, and the policy of the American Association of Law Schools. In February 1989, UB President Sample held in abeyance the entire UB Law School Anti-Discrimination Policy. In 1990, a complaint was filed by the Lesbian and Gay Law Students under the Executive Order. In 1991, a decision was made in favor of the law student group. SUNY then appealed the decision and won. The case is still being fought in court and military recruitment on campus is always protested.

This cancellation of interviews is just another page in the history of protest at UB over the ban on gays in the military.

... NAFTA, continued from page 1

Workers Union, and Thomas M. Fricano, UAW Regional Director. Local leaders included Representative John LaFalce (D-Tonawanda), Democratic Mayoral candidate Anthony Masiello, the Reverend Bennett W. Smith, Pastor of St. John Baptist Church, and members of United We Stand America, Ross Perot's political organization.

These American leaders were joined by Mexican and Canadian leaders also concerned with defeating NAFTA. Bob White, president of the Canadian Labour Congress, was joined by Senator Ifigenia Martinez of the PRD Opposition Party in Mexico. Both strongly joined Jackson in calling for a trade agreement which benefits the people of all three countries.

The day's events were capped off with an international march across the Rainbow Bridge, where Americans and Mexicans were joined in solidarity with over one thousand Canadians. The march was a moving testament to the international common interest among the people of Mexico, Canada and America in their desire to prevent the passage of the NAFTA and promote decent jobs, environmental integrity, and social justice.

THE WORK BEHIND THE SCENES

The success of the rally could be attributed to the work of local Buffalo community groups, labor unions and student groups. The law student groups took a leading role in promoting the event among the community. The law student groups worked with the Buffalo

Area AFL-CIO Council, WNYCAP Council-UAW Region 9, the Niagara/Orleans AFL-CIO Council, the Western New York Council on Occupational Safety and Health, the Coalition for Economic Justice, the Western New York Fair Trade Campaign, The National Rainbow Coalition, and the Ontario Coalition for Social Justice.

THE WORK TO BE DONE

The Rev. Jackson was adamant in speaking out on the importance of defeating the passage of the NAFTA before the American Congress. "We didn't vote for NAFTA in the last election. We voted to reinvest in America, to rebuild America, to help people become productive and to pay taxes. We need a plan to lift the Mexicans up and not lower ourselves," proclaimed the Rev. Jackson. Jackson's concerns were echoed by Ron George, President of the Native Council of Canada, who warned that the American and Canadian workers would experience the same exploitation which was inflicted upon Native Americans and Native Canadians if the Agreement is approved. George proclaimed, "You're falling into the same trap as the aboriginal people. You're letting someone else control your life."

The NAFTA is currently awaiting a vote before the American Congress. All the international speakers from the three countries joined the Rev. Jackson in urging citizens to demand that their elected representatives vote against the NAFTA.



Former Congressman Henry Nowak

UB Law To Honor Henry Nowak at Alumni Lunch

Changes that are happening in estate planning in the '90s will be the subject discussed by a panel of legal experts at the 18th annual UB Law Alumni Convocation. Called "Thy Will Be Done?" the morning-long symposium will begin at 8:30 a.m. on Saturday, Oct. 30, at the Center for Tomorrow on the UB North (Amherst) campus.

The Law Alumni Association has invited all law students to attend the morning program free of charge. However, if you want to receive valuable written materials, it is necessary to preregister. Students must sign up by Oct. 22 in the Alumni Office - 318 O'Brien Hall - so that enough materials can be prepared.

At a luncheon beginning at 12:15 p.m. Nowak, a member of the class of 1961, served the 33rd Congressional District of New York in the House of Representatives for 18 years before retiring from the public arena last year. During his entire Congressional

career he served as a member of the Committee on Public Works and Transportation and was also a member of the committee on Science, Space and Technology. He worked tirelessly to match local needs with available federal aid, bringing approximately \$1 billion dollars in discretionary federal funding for infrastructure improvements, research and other projects to Buffalo and Erie County.

According to Convocation chair Richard G. Birmingham, of Phillips, Lytle, Hitchcock, Blain & Huber, the morning program will explore living trusts and traditional estate planning, family rights under EPTL Articles 4 and 5, the Substitution of Judgement Doctrine under mental health laws Article 81, and issues and problems in changing the law of estates.

"No matter what their level of expertise, the program will help all practitioners become aware of changes that are taking

... Nowak, continues on page 11

The Docket

ANNOUNCEMENTS

Ujima Theatre Co. presents WOMBman Wars

The Black Law Student's Association (BLSA), at UB's School of Law, welcomes all students and faculty to share in a night of entertainment with Judith Jackson and the Ujima theatre. BLSA will be hosting a reception following the performance on October 9, 1993. The performance will take place at Theatre Loft, 545 Elmwood Avenue near W. Utica at 8:00 p.m. Tickets are \$14.00 general admission, and \$11.00 for students are being offered the \$11.00 rate with a UB ID only!

WOMBman Wars is a comic meditation on the Anita Hill/Clarence Thomas hearings---and the profound impact that was lost in the "he said/she said" bickering. With minimal props and costume alterations, Jackson tells the interwoven tales of over a dozen characters. The term "high tech lynching" entered the nation's vocabulary during Clarence Thomas' Supreme Court nomination hearings, but you'll get a new take on that phrase after seeing Judith Jackson in her solo show: WOMBman Wars.

Judith Jackson is a writer and perfor-

mance artist whose one woman performance plays have toured throughout the United States, Western Europe and Africa. Integrating masks, dance, mime, film, video, canned sound and original music with bare blade satire, Ms. Jackson has created a performance which extends beyond the boundaries of stage and into the realm of ritual. She has written for the Cosby Show, apprenticed with Marcel Marceau and received her degrees in playwriting from the University of Michigan, and in literature from the Sorbonne.

UB Law Gold Group to Attend Homecoming Lunch

Law students are encouraged to join the UB GOLD Law Group (Graduates of the Last Decade) at the University at Buffalo's traditional Homecoming celebration on Saturday, Oct. 16. "Check it out," says Paula Eade Newcomb, chair of the GOLD Group "There's a new Division I team! New Stadium! New Student Union! And new school spirit!"

"It's a whole new ballgame!" she says.

According to Eade Newcomb, a pre-game lunch under the Alumni Tent will be served at 11 a.m. at tables reserved especially for the GOLD Group, law students and friends. Food, beer and wine will be available on a pay-

as-you-go basis. The tent is located near the south gate of the brand new UB stadium, in Amherst.

Kickoff is at 1:30 p.m. The UB Bulls will play against the Buffalo State College Bengals. Sit in a reserved block with Law School alumni, faculty, staff and friends. It's a historic moment -- the last time these traditional rivals will compete!

The special group rate for a football ticket is \$7 per person. (Regular price is \$10 at the gate). Children who sit on your lap go free. Football tickets will be distributed at a Gold Group reception table in front of the Alumni Tent.

Checks should be made payable to the UB Law Alumni Association and mailed to Paula Eade Newcomb, c/o Hurwitz & Fine, P.C., 1300 Liberty, Building, Buffalo, New NY 14202-3614.

If you intend to come for lunch, please indicate how many seats you would like to reserve at GOLD Group tables under the Alumni Tent.

"Potential Torts"-Volleyball kingpins

by Paul Roalsvig, Editor-In-Chief

Last Wednesday, a small group of UB Law students decided to take on all comers and kick some volleyball butt. Under the firm command of the team's captain, Dan "The Lieutenant" Marcus, the marauding gang neatly carved up the opposition, composed of mainly younger neophyte undergraduates. Match number one never presented any serious problems as serving duo Dan Marcus and Mark "I wear tie-dies but I ain't no Dead-Head" Conklin found the weak links in the opponents armor and proceeded to pierce it.

The next match was no contest at all, as evidenced in game two by Trish "my hands are registered weapons" Swolak proceeding to successively serve death upon a naive, unsuspecting team of undergrads, to the tune of 13 consecutive points. Samantha Crane and Senta Suida at times couldn't hold back their sadistically gleeful smiles as the law school team totally annihilated the opposition. After a while, the situation was rather pitiful. "Where's

"An event like this is a great opportunity for the law students to meet alumni/ae in an informal setting. Given the tough job market, we hope students will come to network and enjoy this UB tradition," says Ilene Fleischmann, executive director of the UB Law Alumni Association.

Questions? Call Fleischmann at (716) 645-2107.

AALS Accepting Submissions

The Asian American Law Students Association is accepting article submissions, artwork and photography for their upcoming newsletter. Please submit all materials to box 430.

Share Your Special Interest

Have a special interest that you want to share with others? Interested in starting your own organization at UB Law? Contact the SBA Office (Room 101 O'Brian Hall) for more details.

...Nowak, continued from page 10

place in estate planning -- and those that are appearing on the horizon which affect them as well as their clients," Birmingham said.

Erie County Surrogate Joseph S. Mattina will serve as Honorary Chairman, and Birmingham will be moderator. Speakers include: Sue S. Gardner, Kavinoky & Cook; Paul M. Hassett, of Brown & Kelly; Prof. Kenneth F. Joyce, University at Buffalo School of Law; Charles E. Milch, of Gibson, McAskill & Crosby; Robert J. Plache, of Damon & Morey; and John C. Spitzmiller, of Phillips, Lytle, Hitchcock, Blaine & Huber.

An extended question and answer period will follow.

The UB Law School and UB Law Alumni Association gratefully acknowledge the generosity of the following firms that

helped make this program possible: Marine Midland Bank as Benefactor; Harold C. Brown Co. as Patron; and Kidder Peabody & Co. and Commonwealth Land Title Insurance Co. as sponsors.

For non-students, the fee is \$35 for members of the Law Alumni Association who have paid their annual dues and \$45 for all others. The fee includes program, written materials, Continental breakfast and lunch. Firm tables for eight are available for \$320.

Please make checks payable to the UB Law Alumni Association and mail to UB Law School Alumni Office, 318 John Lord O'Brian Hall, Amherst Campus, Buffalo, NY 14260. If you have any questions, call Ilene Fleischmann, Executive director of the Law Alumni Association, at 645-2107.

Law, Medicine and the Health Care System

by Dr. Harry A. Sultz

Relationships between lawyers and individuals and institutional providers of health care are multiplying as the health care industry expands in size and complexity. While the prevailing perception is that these relationships are always adversarial, quite the opposite is true. Though some physicians like to shift the blame to lawyers for much of the malpractice litigation and for their need to practice "defensive medicine," most physicians recognize the legal vulnerability of the system in which they work and appreciate the need for, and value of, good legal counsel. In addition, the administrators and members of the boards of hospitals treasure the lawyers who voluntarily serve as trustees and those they employ to guide them through the labyrinth of the highly regulated health care system.

It is important, therefore, that law students and lawyers understand why the health care system operates as it does; why it sometimes defies all the rules of logic and free market enterprise; why the providers treat patients and families as they do; and why the trinity of health care problems, cost, quality, and access, have remained unresolved national issues for the last thirty years.

In many respects, the health care system has done and is doing a remarkable job. There have been important advances in medical science that have brought measureable improvements in the length and quality of life. But, medicine in the U.S. has a culture of its own. It owes a lot to the aggressive, "can do" spirit of the frontier.

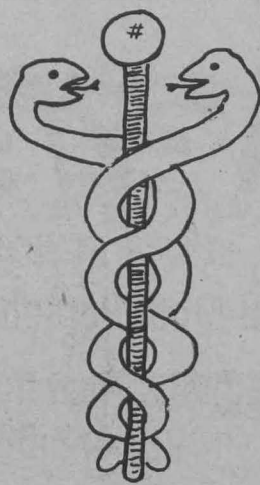
American doctors want to do as much as possible. They order up more diagnostic tests than their colleagues in other countries, prescribe drugs more frequently and at relatively high doses and are more likely to resort to surgery whenever possible. American women are more likely to undergo radical mastectomies, deliver their babies by Caesarean and undergo hysterectomies while still in their 40s. Americans and their physicians regard the body as a machine, like a car, which helps explain their enthusiasm for annual checkups and devices like pacemakers and the artificial heart. Americans like to think of diseases as enemies to be "conquered"; Doctors expect their patients to be aggressive, too. Those who undergo drastic treatments in order to "beat" cancer are held in higher regard than patients who resign themselves to the disease.

The great and late physicist, Albert Einstein said the following: "Perfection of means and confusion of goals characterize our society." It is true of our society and especially pertinent to health care. Nowhere is there more emphasis on the "how" to do things and less interest in the "why" than in health care.

For example, we give extraordinary care to low birth weight babies at high cost because

we won't make the effort to deliver prenatal care. Every year in New York State approximately 20,000 infants are born prematurely and almost 3,000 die before their first birthday. Infants born to women who have not received early prenatal care are three times more likely to be born at low birth weight than those who receive early care, and they are four times more likely to die in their first year of life.

Some areas of Buffalo, New York have infant mortality rates that exceed those of many third world countries. At the same time, we have one of the most sophisticated and expensive neonatal services in the country to save premature, high risk infants. We developed those services at the same time that we were cutting back on the relatively inexpensive prenatal services which would have prevented many of those problems in the first place. What are our goals? What are our values?



graphic by Kathy Korbuly

The neonatal intensive care unit is perhaps the most vivid example of the lack of balance in a system in which high-risk mothers cannot receive public subsidies for their prenatal care, yet neonatal intensive care is an inalienable right once the baby arrives. The arithmetic of the equation has been demonstrated in numerous studies: funds expended in the prenatal care of mother and fetus reduce the amount that are inevitably spent later in the attempt - often flawed or futile - to salvage the products of these conceptions. In addition, we should not lose sight of the fact that in the care of premature infants - no matter how dismal their prospects - the technological throttle is stuck open. At what weight or gestation are attempts at fetal resuscitation inadvisable for the fiscal integrity of the infant, and for the psychosocial integrity of the family that is too often consigned to a prolonged vigil beside an incubator in a neonatal intensive care unit?

Medicine has much to offer, but with those advances have come major problems. They are interrelated and they are systematic. Without systematic solutions it is unlikely we will solve them. In subsequent issues of Opinion, I'll describe other aspects of the health care system and the strategies tried or being considered for improving them.

Harry A. Sultz, DDS, MPH is Professor of Social and Preventive Medicine, School of Medicine and Biomedical Sciences, and former Dean of the School of Health Related Professions, SUNY/Buffalo. He is Director of the Health Services Research Program of the School of Medicine and an active teacher of courses about the organization of health care and author of many articles and several books on the subject. Dr. Sultz has directed numerous research studies of different aspects of the health care system and has served as an expert consultant to various governmental and voluntary agencies and institutions.

BAR/BRI

BAR REVIEW

**EARLY
ENROLLMENT
DISCOUNT**

**SAVE
\$525**

The BAR/BRI course includes:

- Expert Coverage on all Multistate and New York Topics
- Comprehensive, Concise Outlines of New York & Multistate Law
- Mini-Review Volume Condensing New York & Multistate Volumes
- More than 100 Essays—All With Model Answers
- Attorney Graded Essays
- More than 2500 Multistate Questions All With Model Answers
- BAR/BRI Multistate Workshop
- BAR/BRI Essay Workshop
- Q & A Clinic™
- MPRE Review
- Individualized Attention
- Gilbert Multistate Exam Workshop

(Non BAR/BRI tuition: \$325.)

When you register for the BAR/BRI New York bar review course.

If you enroll by **Tues. 11/2/93**
You receive:

- A \$225 DISCOUNT off the \$1475 bar review course tuition.
(Your tuition: \$1250.)

+

- The Gilbert New York Essay Advantage FREE. (Regular BAR/BRI student tuition: \$225.)

+

- The Arthur Miller CPLR Mini-Review FREE. (Regular tuition: \$75.)

BAR/BRI

BAR REVIEW

New York's Largest and Most Personalized Bar Review Course

1500 Broadway, New York, NY 10036
(800) 472-8899

© 1993 BAR/BRI